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EX PARTE OR LATE FILED

October 20, 1998

Ms. Magalie Roman Salas
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20554

**NOTICE OF WRITTEN
EX PARTE PRESENTATION**

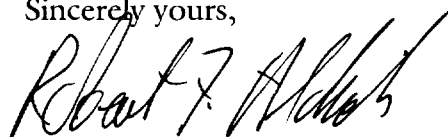
Re: CC Docket No. 96-128

OCT 20 1998

Dear Ms. Salas:

Enclosed please find a copy of a letter to Mr. Greg Lipscomb of the Enforcement Division, with regards to the above-referenced docket to be filed with the Commission and placed in the record of the proceeding. If you have any questions regarding this letter, please call the undersigned.

Sincerely yours,



Robert F. Aldrich

RFA/nw
Enclosure

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D I C K S T E I N S H A P I R O M O R I N & O S H I N S K Y L L P

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October 20, 1998

Mr. Greg Lipscomb
Enforcement Division
Common Carrier Bureau
Federal Communications Commission
2025 M Street, NW, Room 6010
Washington, D.C. 20554

Re: **CC Docket No. 96-128**

Dear Greg:

You asked for the American Public Communications Council's ("APCC") views on which types of payphone calls are subject to the per-call "dial-around" compensation (currently 28.4 cents per call) prescribed by the Commission in this proceeding.

The Commission's compensation rules state that the calls subject to per-call dial-around compensation include all calls that are not compensated pursuant to a contract between the payphone service provider ("PSP") and the carrier to which the call is routed, and that are not specifically exempted from compensation. 47 CFR § 64.1300(a),(b),(c).

As a practical matter, compensable "dial-around" calls are made up primarily of calls dialed to access codes¹ (10XXX, 101XXXX, 950-XXXX, and 800, 888, 877, etc. numbers) and "subscriber 800"² numbers. However, there are other compensable "dial-around" calls. For example, "0-" calls are often routed to a local exchange carrier ("LEC") operator rather than to the operator service provider ("OSP") selected by the PSP.³ In those instances, the calls are subject to per-call dial-around compensation because the PSP is not compensated pursuant to a contract with the carrier.

¹ An access code is "a sequence of numbers that, when dialed, connect the caller to the provider of operator services associated with that sequence." 47 U.S.C. § 226(a)(1). Most access codes use the formats 10XXX, 101XXXX, 950-XXXX, or a "toll-free" number (1-800-XXX-XXXX, 1-888-XXX-XXXX, 1-877-XXX-XXXX, etc.). However, other access code formats are possible.

² A "subscriber 800" number is a toll-free number (i.e., a number with the format 1-800-XXX-XXXX, 1-888-XXX-XXXX, 1-877-XXX-XXXX, etc. that is not an access code).

³ The call may be handled by the LEC operator or may be routed to another carrier pursuant to an "operator transfer" service.

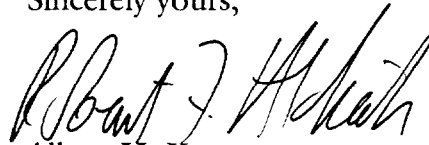
Mr. Greg Lipscomb
October 20, 1998
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When a call is routed to a carrier that has no contract with the PSP, there may or may not be a specific legal requirement that dictates where the PSP must send the call.⁴ But even if there is no applicable legal requirement, the Commission's rules clearly require payment of dial-around compensation for such calls.

Although there is no express provision in the compensation rules regarding coin-paid toll calls, APCC interprets the compensation rules and orders as not requiring any carrier payment of compensation for such calls. PSPs generally require coin payment on toll calls for which they incur a charge from the carrier handling the call. Such calls are clearly distinguishable from calls for which no carrier charge is assessed on the PSP, and for which PSPs would not, in the absence of dial-around compensation, receive any compensation.

Please let us know if you have any further questions on this matter.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert F. Aldrich".

Albert H. Kramer

Robert F. Aldrich

RFA/nw

⁴ For example, under the Payphone Orders, state commission may require "0-" calls to be initially routed to the LEC, in case they turn out to be emergency calls. Report and Order, FCC 96-388, released September 20, 1996, ¶ 262. Even though many 0- calls are not emergency calls, the PSP is no longer able to physically control routing of the call after it is routed to the LEC.